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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MARC DAVID
PETERS IN SUPPORT OF
ORACLE'S OPENING CLAIM
CONSTRUCTION BRIEF**

Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup
Tutorial: April 6, 2011, 1:30 p.m.
Hearing: April 20, 2011, 1:30 p.m.

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,
4 could and would testify competently to the following.

5 1. Attached hereto as Exhibit 1 is a true and correct copy of a Patent Examiner
6 Interview Summary dated October 13, 1999 from the prosecution history of U.S. Patent No.
7 6,061,520.

8 2. Attached hereto as Exhibit 2 is a true and correct copy an Amendment dated
9 October 18, 1999 from the prosecution history of U.S. Patent No. 6,061,520.

10 3. Attached hereto as Exhibit 3 is a true and correct copy of relevant pages from the
11 MICROSOFT PRESS COMPUTER DICTIONARY (2d ed. 1994) and WEBSTER'S NEW WORLD
12 DICTIONARY OF COMPUTER TERMS (5th ed. 1994).

13 4. Attached hereto as Exhibit 4 is a true and correct copy of original claims as filed in
14 U.S. Patent Application No. 07/994,655, the original application for U.S. Patent No. RE38,104.

15 5. Attached hereto as Exhibit 5 is a true and correct copy of Section 2106.01 from the
16 MANUAL OF PATENT EXAMINING PROCEDURE § 2106.01, 8th Edition, Revision 6, dated
17 September 2007. This section remains unchanged in the current edition of the MPEP, 8th
18 Edition, Revision 8 (July 2010).

19 6. Attached hereto as Exhibit 6 is a true and correct copy of a Reissue Application
20 Declaration and Power of Attorney by Inventor of James Gosling, dated November 19, 1996,
21 from the prosecution history of U.S. Patent No. RE38,104.

22 7. Attached hereto as Exhibit 7 is a true and correct copy of the Examination
23 Guidelines for Computer-Related Inventions dated February 28, 1996, available at
24 www.uspto.gov/web/offices/pac/dapp/pdf/ciig.pdf.

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8. Attached hereto as Exhibit 8 is a true and correct copy of relevant pages from the MICROSOFT PRESS COMPUTER DICTIONARY (3d ed. 1997), the ILLUSTRATED DICTIONARY OF ELECTRONICS (7th ed. 1997), and the IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS (6th ed. 1996).

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge the foregoing is true and correct. Executed on March 17, 2011, in Palo Alto, California.

/s/ Marc David Peters
Marc David Peters